

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, JANUARY 30, 2007**

The Council of the City of San José convened in regular session at 9:31 a.m. in the City Hall Wing, Conference Room W133, at City Hall.

Present: Council Members - Campos, Constant, Chirco, Cortese, Liccardo, Nguyen, Pyle, Williams; Reed.

Absent: Council Members - None.

Vacant: - Districts 4 and 6.

Upon motion unanimously adopted, Council recessed at 9:31 a.m. to a Closed Session in Room W133, (A) to confer with Legal Counsel on anticipated litigation pursuant to Government Code Section 54956.9, subsection (c) with respect to initiation of litigation in two (2) matters. (B) to confer with Labor Negotiator pursuant to Government code Section 54957.6, City Negotiator: City Manager Designee Alex Gurza, and the following Employee Organizations: (1) International Association of Firefighters, Local 230; (2) Municipal Employee Federation.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:29 a.m. and reconvened at 1:31 p.m. in the Council Chambers.

Present: Council Members - Campos, Constant, Chirco, Cortese, Liccardo, Nguyen, Pyle, Williams; Reed.

Absent: Council Members - None.

Vacant: - Districts 4 and 6.

## **INVOCATION**

Jin Kim, Korean Baptist Church, led the invocation. (District 1)

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## **PLEDGE OF ALLEGIANCE**

Mayor Reed led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Council Member Liccardo, seconded by Council Member Williams and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (9-0.)

## **CLOSED SESSION REPORT**

City Attorney Richard Doyle disclosed the following Closed Session action of January 30, 2007:

A. Authority to Enter Litigation Case As Amicus Curiae:

Case Name: Spielbauer, et al v. County of Santa Clara, et al.

Adverse party or parties: Plaintiffs

Substance of litigation: Mr. Spielbauer challenged the County's disciplinary action against him claiming one of the charges against him was not a valid charge.

Council Vote: Ayes: Campos, Chirco, Constant, Cortese, Liccardo, Nguyen, Pyle, Williams; Reed.

Noes: None.

Disqualified: None.

Absent: None.

Vacant: Districts 4 and 6.

## **CEREMONIAL ITEMS**

### **1.1 Presentation of update and next steps for the Citywide Employee Recognition Program and employee Values Project. (City Manager's Office/Human Resources)**

Action: Staff presented an overview of the Citywide Employee Recognition Program and Employee Values Project.

### **1.2 Presentation of a commendation recognizing the "stars" of the Combined Giving Campaign for their outstanding contribution to the program. (City Manager's Office/General Services)**

Action: This item was deferred to February 6, 2007, as recommended by the Rules and Open Government Committee.

**1.3 Presentation of a commendation recognizing the achievements of the Traffic Signal Maintenance and Projects Staff for completing the Traffic Signal LED retrofit project. (Transportation)**

Action: Mayor Reed recognized and commended the Traffic Signal Maintenance and Projects Staff for their achievements.

A representative of PG&E presented the City of San José a check for \$309,000.00 for outstanding efficient energy conservation.

**1.4 Presentation of a proclamation recognizing February as “American Heart Month” and February 2, 2007 as “National Wear Red Day” to create awareness of the signs and treatments of heart disease and stroke in the City of San José. (Campos)  
(Rules Committee referral 01/17/07)**

Action: Mayor Reed and Council Members Campos, Pyle, Nguyen and Chirco, recognized February as “American Heart Month”, and February 2, 2007 as “National Wear Red Day” and presented a commendation to Linda Gold and Meghan Kinoshita of the American Red Cross.

**1.5 Presentation of a commendation from Breathe California to the City Council for investing in tobacco control issues and being one of the top 10 healthiest cities in America. (Cortese)  
(Rules Committee referral 01/17/07)**

Action: This item was deferred to February 6, 2007, as recommended by the Rules and Open Government Committee.

**1.6 Presentation of a commendation to Captain Richard L. Fairhurst, San José Police Department Western Division, for his 30 years of service to the residents of San José. (Constant/Liccardo/Nguyen)  
(Rules Committee referral 01/17/07)**

Action: Mayor Reed and Council Members Constant, Liccardo and Nguyen recognized and commended Captain Richard L. Fairhurst for his dedicated service to the City of San José residents.

**1.7 Presentation of a business appreciation commendation to Endwave Corporation in recognition of its headquarters corporate presence and operations in San José, the Capital of Silicon Valley. (Mayor)  
(Rules Committee referral 01/17/07)**

Action: Mayor Reed and Office of Economic Development Assistant Director Kim Walesh recognized Endwave Corporation for maintaining its presence in San José.

- 1.8 Presentation of a proclamation for Holocaust Remembrance Week in San José in memory of the victims of the Holocaust and their families and communities. (Williams)**  
**(Rules Committee referral 1/24/07)**

Action: Mayor Reed and Council Member Williams presented a proclamation to Adam Cintz in recognition of Holocaust Remembrance week.

## **CONSENT CALENDAR**

Upon motion by Council Member Cortese, seconded by Council Member Williams and carried unanimously, the Consent calendar was approved and the below listed actions were taken as indicated. (9-0.)

- 2.1 Approval of minutes:**
- (a) Regular minutes of May 2, 2006**
  - (b) Regular minutes of May 9, 2006**
  - (c) Regular minutes of May 16, 2006**
  - (d) Minutes of Joint Council/San José Financing Authority of May 16, 2006**
  - (e) Regular minutes of May 23, 2006**
- (Deferred from 1/23/07 – Item 2.1)**

Action: This item was deferred to February 6, 2007, as recommended by the City Clerk.

- 2.3**
- (a) A second amendment to the Commercial Air Cargo Operating Agreement with Air Transport International, LLC, to extend the term of the agreement through June 30, 2007, with continuing estimated annual revenue to the City in the amount of \$151,000.**
  - (b) A second amendment to the Lease Agreement with Air Transport International, LLC, to extend the term of the agreement through February 28, 2012, with continuing estimated annual revenue to the City in the amount of \$4,900.00.**

**CEQA: Resolution No. 67380 and 71451, PP06-211. (Airport)**

Documents Filed: Memorandum from Director of Aviation William F. Sherry, dated January 8, 2006, recommending approval of a Second Amendment to the Commercial Air cargo Operating Agreement and a Second Amendment to the Lease Agreement with Air Transport International, LLC.

Action: The Second Amendment to the Commercial Air Cargo Operating Agreement and the Second Amendment to the Lease Agreement with Air Transport International, LLC, were approved. (9-0.)

- 2.4 Adoption of a resolution authorizing the City Attorney to negotiate and execute a First Amendment to the Agreement with Anderson & Kreiger LLP for legal services related to airline lease negotiations at the Norman Y. Mineta San José International Airport, increasing compensation by \$80,000 for a total amount not to exceed \$180,000. CEQA: Not a Project. (City Attorney's Office)**

Documents Filed: Memorandum from Memorandum from City Attorney Richard Doyle, dated January 18, 2007, recommending adoption of a resolution.

Action: [Resolution No. 73622](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute a First Amendment to the Agreement with Anderson & Kreiger LLP, Increasing the Compensation by \$80,000 for a Total Amount not to Exceed \$180,000", was adopted. (9-0.)

- 2.5 Approval of the City Auditor's travel calendar through June 30, 2007 at no cost to the City. (City Auditor)  
(Rules Committee referral 01/17/07)**

Documents Filed: Memorandum from City Auditor Gerald A. Silva, dated January 10, 2007, requesting approval of travel calendar.

Action: The City Auditor's travel calendar was approved. (9-0.)

- 2.6 As recommended by the Elections Commission, adoption of a resolution amending the Schedule of Fees and Charges to increase the fee for delinquent lobbyist reports from \$10.00/day to \$25.00/day. (City Clerk/City Attorney's Office)  
(Rules Committee referral 01/17/07)**

Action: This item was deferred to February 6, 2007, as recommended by the Rules and Open Government Committee.

- 2.7 Appoint Scott P. Johnson, Director of Finance, as the Administration Representative to the Police and Fire Retirement Board for a four year term. CEQA: Not a Project. (City Manager's Office)**

Documents Filed: Memorandum from City Manager Les White, dated January 8, 2007, recommending Director of Finance Scott P. Johnson, as the Administration Representative to the Police and Fire Retirement Board.

Action: The appointment was approved. (9-0.)

- 2.8 Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:**

(a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the Calabazas BMX Park Project in the amount of \$9,500.

(b) Increase the estimate for Earned Revenue by \$9,500.

**CEQA: Exempt, File No. PP06-152. Council District 1. (City Manager's Office)**

## 2.8 (Cont'd.)

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, dated January 8, 2007, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

Action: [Ordinance No. 27968](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27801 to Appropriate Moneys in the Gift Trust Fund for the Calabazas BMX Park Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and [Resolution No. 73623](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73265 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2006-2007 to Adjust Revenues in the Gift Trust Fund", were adopted. (9-0.)

## 2.9 Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-wide Redevelopment Fund):

- (a) Increase the estimate for Earned Revenue by \$638,727.
- (b) Establish an appropriation to the Department of Transportation for the Winchester Neighborhood ADA Ramp Installation Project (PSM #455, Amendment 1) in the amount of \$125,000.
- (c) Establish an appropriation to the Public Works for the Greater Gardner Street Reconstruction Project (PSM #346, Amendment 7) in the amount of \$513,727.

**CEQA: Exempt, File Nos. PP05-212 and PP04-07-215. Council Districts 1, 3 and 6. SNI: Greater Gardner and Winchester. (City Manager's Office)**

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, dated January 8, 2007, recommending adoption of an appropriation ordinance and funding sources resolution amendments.

Action: [Ordinance No. 27969](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 27801 to Appropriate Moneys in the Services for Redevelopment capital Projects Fund for the Winchester Neighborhood ADA Ramp Installation Project and the Greater Gardner Street Reconstruction Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and [Resolution No. 73624](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73265 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2006-2007 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", were adopted. (9-0.)

## 2.10 Adoption of a resolution authorizing the City Manager to negotiate and execute the Reuse and Recycling Agreements with the following non-profit organizations, for a one-year period beginning July 1, 2006 and ending June 30, 2007:

- (a) Goodwill Industries of Santa Clara County in an amount not to exceed \$362,848.
- (b) The Salvation Army in an amount not to exceed \$128,244.
- (c) Hope Services in an amount not to exceed \$6,312.

**CEQA: Not a Project. (Environmental Services)**

## **2.10 (Cont'd.)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated January 8, 2007, recommending adoption of a resolution.

Item 2.10 was pulled at the request of Council Member Liccardo for questions.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Constant and carried unanimously, [Resolution No. 73625](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute Reuse and Recycling Agreements with Goodwill Industries of Santa Clara County, the Salvation Army and Hope Services for FY 2006-07", was adopted. (9-0.)

## **2.11 Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #15 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action. (Finance)**

Documents Filed: Memorandum from Memorandum from Director of Finance Scott P. Johnson, dated January 8, 2007, recommending approval of award of open purchase orders.

Action: The open purchase orders for FY 2006-2007 #15 were approved. (9-0.)

## **2.12 Approval of a continuation agreement with DR Associates International for consultant services for pre-employment background investigation services, continuing and extending the term of agreement from January 1, 2007 to June 30, 2007, and increasing the maximum compensation to an amount not to exceed \$247,000. CEQA: Not a Project. (Fire)**

Documents Filed: Memorandum from Acting Fire Chief Darryl Von Raesfeld, dated January 8, 2007, recommending approval of a continuation agreement.

Action: The continuation agreement with DR Associates International was approved. (9-0.)

## **2.13 Adoption of a resolution authorizing the Director of Housing to execute an agreement with John Stewart Company for the period of January 1, 2007 through December 31, 2011 at an amount not to exceed \$300,000 for relocation benefit payments to former tenants of Casa Feliz and \$28,500 for administration of the relocation benefit payments. CEQA: Not a Project. Council District 3. SNI: University. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated January 8, 2007, recommending adoption of a resolution.

**2.13 (Cont'd.)**

Action: [Resolution No. 73626](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Execute an Agreement with the John Stewart Company in an Amount not to Exceed \$328,500.00 for Relocation Benefits for Residents at the Casa Feliz Apartments and Administrative Costs", was adopted. (9-0.)

**2.14 Approval of the Master Plan for the new Cinnabar Commons Park. CEQA: Resolution No. 71174 and Addenda Thereto, File No. PP06-203. Council District 6. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated January 8, 2007, recommending approval of the master plan.

Action: The master plan for the new Cinnabar Commons Park was approved. (9-0.)

- 2.15 (a) Adoption of a resolution accepting an \$18,883 donation from the Happy Hollow Park & Zoo Vest-a-Dog Program to purchase ballistic canine vests for the San José Police Department Canine Unit; and**  
**(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Gift Trust Fund:**  
**(1) Increase the appropriation to the Police Department for the Canine Unit by \$18,883.**  
**(2) Increase the estimate for Earned Revenue by \$18,883.**  
**CEQA: Not a Project. (Police/City Manager's Office)**

Documents Filed: Memorandum from Chief of Police Robert L. Davis and Budget Director Larry D. Lisenbee, dated January 8, 2007, recommending adoption of a resolution and an appropriation ordinance.

Item 2.15 was pulled at the request of Chief of Police Robert L. Davis, to speak in support.

Action: Upon motion by Council Member Chirco, seconded by Council Member Yeager and carried unanimously, [Resolution No. 73627](#), entitled: "A resolution of the Council of the City of San José Accepting a Gift of \$18,883 From the Happy Hollow Corporation to be Used for the Purchase of Ballistic Canine Vests for the San José Police Department Canine Unit"; [Ordinance No. 27970](#), entitled: "An Ordinance of the City of San José Amending Ordinance No.27801 to Appropriate Moneys in the Gift Trust Fund for the Police Department Canine Unit; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", and [Resolution No. 73628](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 73265 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2006-2007 to Adjust Revenues in the Gift Trust Fund", were adopted. (9-0.)



- 2.16 Approval of an ordinance designating the additional right-of-way of a 28-foot wide strip on the south side and a 18-foot wide strip on the north side of Taylor Street between Anita Street and Walnut Street, which are City-owned properties, to accommodate the Taylor Street Improvement Project. CEQA: Exempt, PP06-038. Council District 3. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated January 8, 2007, recommending approval of an ordinance.

Action: [Ordinance No. 27971](#), entitled: “An Ordinance of the City of San José Expanding a Public Right-Of-Way to Accommodate the Taylor Street Improvement Project and Facilitate the Construction/Relocation of Franchised Utilities”, was passed for publication. (9-0.)

- 2.17 Adoption of a resolution approving donation agreements with Micrel, Incorporated, Rose Ventures II, Inc., Northern California Universal Enterprise Co and Fortune-Lundy Associates LLC for conveyance of public sidewalk easements and authorizing the Director of Public Works to execute any additional documents necessary to complete the transactions. CEQA: Exempt, File No. PP05-200. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated January 8, 2007, recommending adoption of a resolution.

Action: [Resolution No. 73629](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Execute Certain Documents for the Donation of Easements Pertaining to the Fortune Drive Sidewalk Project”, was adopted. (9-0.)

- 2.18 Approval of a five-year lease with Westlake Development Company, Inc. for 4,913 rentable square feet of office space for the Police Domestic Violence Unit, at 125 Gish Road in San José, at a cost of \$5,404.30 per month the first year, \$5,649.95 per month the second year, \$5,895.60 per month the third year, \$6,141.25 per month the fourth year and \$6,386.90 per month during the final year. CEQA: Not a Project. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated January 8, 2007, recommending approval of a five-year lease.

Action: The five-year lease was approved. (9-0.)

- 2.19 Approval of a continuation agreement with Field Paoli Architects for architectural consultant services for the Almaden Community Center & Branch Library Project continuing the term retroactive for the period of July 1, 2006 through June 30, 2007, modifying the scope of services, and increasing the total compensation to be paid to the consultant by \$49,255 from \$1,955,900 to an amount not to exceed \$2,005,155. CEQA: Mitigated Negative Declaration, PP02-10-309. Council District 10. (Public Works/Library/Parks, Recreation and Neighborhood Services)**

## **2.19 (Cont'd.)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, Library Director Jane Light and Director of Parks, Recreation and Neighborhood Services Albert Balagso, dated January 8, 2007, recommending approval of a continuation agreement.

Action: The continuation agreement with Field Paoli Architects was approved. (9-0.)

## **END OF CONSENT CALENDAR**

## **STRATEGIC SUPPORT SERVICES**

### **3.1 Report of the Study Session**

**Mayor Reed, Chair**

- (a) **Council Study Session on Telecommunications Policy Priorities and AT&T's Project Lightspeed minutes of May 11, 2006**
  - (b) **2006-2007 Proposed Operating Budget Study Sessions minutes of May 8, 2006 – May 19, 2006**
- (Deferred from 1/23/07 – Item 3.1)**

Action: This item was deferred to February 6, 2007, as recommended by City Clerk.

### **3.2 Report of the Rules and Open Government Committee – January 17, 2007**

**Mayor Reed, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review January 30, 2007 Draft City Council Agenda
    - (a) Add New Items to Draft Agenda
    - (b) Set Time/s Certain for Key Agenda Items, as necessary
  - (2) Add New Items to January 23, 2007 Agenda
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
    - (a) Approval of City-Sponsored Legislation-Customer Facility Charges (Rental Car)  
Heard by the City Council on January 23, 2007.
  - (2) Federal
- (d) Meeting Schedules
  - (1) Approve (3) three Council Orientation Sessions:
    - (a) January 16, 2007, 1:00 p.m. – 3:00 p.m.
    - (b) January 19, 2007, 9:00 a.m. – 12:00 p.m.
    - (c) January 26, 2007, 9:00 a.m. – 4:00 p.m.
  - (2) Approve a Study Session on the Evergreen\*East Hills Vision Strategy on February 1, 2007. (Planning, Building and Code Enforcement)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees

### **3.2 Report of the Rules and Open Government Committee – January 17, 2007 (Cont'd.) Mayor Reed, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Oral Presentation and Discussion of the Council Agenda Preparation and Distribution Process. (City Clerk)
  - (2) Review of Council Policy No. 9-5 (Mayor and Council Travel). (City Clerk)
  - (3) Approve travel by Council Member Nora Campos to attend the League of CA Cities – Transportation, Communication & Public Works Policy Committee on January 12, 2007. (Campos)
  - (4) Approve travel by Council Member Campos to attend the League of CA Cities – Board of Directors Meeting on February 9-10, 2007. (Campos)
  - (5) Approve travel by Council Member Campos to attend the National League of Cities Congressional City Conference on March 10-14, 2007. (Campos)
  - (6) Approve travel by Council Member Campos to attend League of CA Cities Infrastructure Task Force on January 25, 2007. (Campos)
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
- (j) Open Forum
- (k) Adjournment

Action: This item was deferred to 2/6/07, as recommended by the Mayor.

### **Report of the Rules and Open Government Committee – January 10, 2007 Mayor Reed, Chair**

Documents Filed: The Rules and Open Government Committee Report dated January 10, 2007.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review January 23, 2007 Draft City Council Agenda
    - (a) Adds to the January 23, 2007 Draft City Council Agenda

The Committee approved the January 23, 2007 City Council Agenda with six (6) additions.

- (2) Add New Items to January 16, 2007 Agenda

None, meeting was canceled.

- (3) List of Reports Outstanding

There were none.

### **3.2 Report of the Rules and Open Government Committee – January 10, 2007 (Cont'd.) Mayor Reed, Chair**

- (c) Legislative Update
  - (1) State
  - (2) Federal

There were none.

- (d) Meeting Schedules. Attachment: Memorandum from Director of Environmental Services John Stufflebean, dated December 16, 2006, recommending approval to schedule a Joint Study Session.
  - (1) Approve City Council-Santa Clara Valley Water District Board Joint Study Session on Watershed Issues. (Environmental Services)

The Committee approved the recommended Joint study Session.

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated January 4, 2006, transmitting items for Public Record and Administration for the period of December 8- January 4, 2007.

The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees

There were none.

- (g) Rules committee Reviews, Recommendations and Approvals

Mayor Reed asked staff to place a presentation of the Council Agenda process on the January 17, 2007 Rules Agenda.

- (h) Review of Significant Public Records Act Requests

City Attorney Richard Doyle provided an update.

- (i) Review of Council Policy Updates per Sunshine Reforms

Mayor Reed asked staff to place a review of the Mayor and Council Travel Policy on the January 17, 2007 Rules Agenda.

- (j) Open Forum – None were presented.

**3.2 Report of the Rules and Open Government Committee – January 10, 2007 (Cont'd.)  
Mayor Reed, Chair**

(k) Adjournment - The meeting was adjourned at approximately 2:52 p.m.  
(Deferred from 1/23/07 – Item 3.2)

Action: Upon motion by Council Member Cortese and seconded by Council Member Pyle and carried unanimously, the Rules and Open Government Committee Report and the actions of January 10, 2007, was accepted. (9-0.)

- 3.5 (a) Acceptance of the report on the implementation of approved Procurement Reforms.**  
**(b) Adoption of a resolution approving Council Policy titled “Procurement and Contract Process Integrity and Conflicts of Interest”.**  
**(c) Approval of an ordinance of the City of San José amending Chapters 4.04, 4.12, and repealing Chapters 4.06 and 4.13 of Title 4 of the San José Municipal Code to increase administrative contract authority for purchase of supplies, materials, equipment and services to \$1,000,000, to enact a protest procedure for purchases, and to amend, reorganize and consolidate various purchasing procedures.**

**CEQA: Not a Project. (Finance/City Attorney’s Office)**  
**(Deferred from 11/21/06 – Item 3.4 and 12/5/06 – Item 3.7)**

Action: This item was deferred to February 6, 2007, as recommended by Administration.

- 3.6 As recommended by the Rules Committee on January 24, 2007, accept the 2007 Legislative Guidelines and Priorities as outlined in the memo previously submitted to and approved by the Rules & Open Government Committee. (City Clerk)**  
**(Rules Committee referral 1/24/07)**

Documents Filed: Memorandum from City Clerk Lee Price, dated January 25, 2007, recommending acceptance of the 2007 Legislative Guidelines and Priorities, as approved by the Rules and Open Government Committee.

Council comments and questions followed.

Action: Upon motion by Council Member Cortese, seconded by Council Member Pyle and carried unanimously, the 2007 Legislative Guidelines and Priorities was accepted, as amended. Staff was directed to: (1) Add to the priorities joint advocacy with Oakland and San Francisco to ensure State allocation of Prop 1C and Prop 84 funds. (2) Review the pros and cons of AB 29 (which if passed, would require Prop 1C funds to be distributed to local councils of governments). (3) Maintain as a high priority the Pacheco Pass preferred route of the High Speed Rail Line. (9-0.)

## COMMUNITY & ECONOMIC DEVELOPMENT

### **4.2 Approval of the following actions to continue funding for the completion of the Evergreen\*East Hills Vision Strategy, Evergreen Area Development Policy update, and related documents:**

- (a) Approval of a continuation to the funding agreement with Yerba Buena Opco, Inc. to extend the funding agreement from January 1, 2007 through June 30, 2007 for the work associated with completing the Evergreen\*East Hills Vision Strategy which encompasses an update to the Evergreen Area Development Policy and related documents; and**
- (b) Adoption of a resolution delegating approval of minor amendments to the funding agreement to the Director of Planning, Building and Code Enforcement to account for increases in funding received from Yerba Buena Opco, Inc. and minor schedule or task changes that remain consistent with the information contained in and the goals identified in the memorandum.**

**CEQA: Exempt, PP03-10-349. Council Districts 5, 7, and 8. SNI: West Evergreen, K.O.N.A and East Valley/680. (Planning, Building and Code Enforcement).**

Action: This item was deferred to February 6, 2007, as recommended by Administration.

## ENVIRONMENTAL & UTILITY SERVICES

### **7.1 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with GreenWaste Recovery, Inc. for Neighborhood Clean Up services in Districts A and C for an eighteen month term from July 1, 2007, through December 31, 2008, at a cost not to exceed \$550,000, subject to annual appropriation of funds. CEQA: Negative Declaration, File No. PP06-119. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean, dated January 8, 2007, recommending adoption of a resolution.

Staff presented an overview of the proposed agreement with GreenWaste Recovery Inc. for Neighborhood Clean Up Services.

Questions and comments from Council followed.

Action: Upon motion by Council Member Chirco, seconded by Council Member Campos and carried unanimously, [Resolution No. 73630](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with GreenWaste Recovery, Inc. for Neighborhood Clean-Up Services from July 1, 2007, to December 31, 2008, for a Total Amount Not to Exceed \$550,000", was adopted. (9-0.)

## **STRATEGIC SUPPORT SERVICES**

### **3.4 Acceptance of report related to bond Programs**

- (a) Acceptance of the report on cost projections, current cost management strategies and policy options related to the completion of the Safe Neighborhood Parks and Recreation, Neighborhood Libraries, and Public Safety bond programs; and**
- (b) Adoption of a resolution approving strategies to mitigate the risk of future cost escalation by:**
  - (1) Reducing project scopes only to the extent that core functionality, serviceability, and operating costs can be maintained;**
  - (2) Placing completion of the Bond programs as a priority over new projects when seeking external federal and state grant funding;**
  - (3) Directing the City Manager and the Redevelopment Agency Executive Director to examine the use of reserves, Construction and Conveyance Tax and Redevelopment funds to supplement funding for Bond program projects where eligible;**
  - (4) Requiring that the funding needs for the successful completion of the bond programs be considered prior to funding new capital projects in the City's Capital Budget.**

**CEQA: Not a Project. (City Manager's Office)**

**(Deferred from 12/5/06 – Item 3.10 and 1/23/07 – Item 3.4)**

Documents Filed: (1) Memorandum from Deputy City Manager Ed Shikada, dated January 19, 2007, recommending acceptance of the report and adoption of a resolution. (2) Slide presentation from the City Manager's Office, dated January 30, 2007, Report on Overall Funding for the City's General Obligation Bond Capital Programs. (3) Letter submitted by Ernest Guzman, Chairman of the Strong Neighborhoods Initiative Project Advisory Committee, dated January 27, 2007, stating concern over recommendation 2(c) of Item 3.4.

Note: This item was heard concurrently with Item 9.1.

Deputy City Manager Ed Shikada and Deputy Director of Public Works David Sykes presented the staff report.

Council comments and questions ensued.

Public Comment: Ernest Guzman, Strong Neighborhood Initiative Committee Chair, submitted a letter opposing the use of Redevelopment Agency funding to cover the gap in bond funding.

Council comments and questions continued.

### 3.4 (Cont'd.)

Action: Upon motion by Council Member Cortese, seconded by Council Member Liccardo and carried unanimously, the report was accepted, and the adoption of a resolution was deferred to the Budget process. (9-0.)

## JOINT COUNCIL/REDEVELOPMENT AGENCY

- 9.1 (a) Acceptance of the report on cost projections, current cost management strategies and policy options related to the completion of the Safe Neighborhood Parks and Recreation, Neighborhood Libraries, and Public Safety bond programs; and
- (b) Adoption of a resolution approving strategies to mitigate the risk of future cost escalation by:
- (1) Reducing project scopes only to the extent that core functionality, serviceability, and operating costs can be maintained;
  - (2) Placing completion of the Bond programs as a priority over new projects when seeking external federal and state grant funding;
  - (3) Directing the City Manager and the Redevelopment Agency Executive Director to examine the use of reserves, Construction and Conveyance Tax and Redevelopment funds to supplement funding for Bond program projects where eligible;
  - (4) Requiring that the funding needs for the successful completion of the bond programs be considered prior to funding new capital projects in the City's Capital Budget.

**CEQA: Not a Project. (City Manager's Office)**

**(Deferred from 12/5/06 – Item 3.10 and 1/23/07 – Item 3.4)**

Action: This item was heard concurrently with Item 3.4.

## NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9850	Southside of Rock Ave. 1033 feet west of Oakland Road	4	Taylor Woodrow Homes, Inc.	34 Lots / 34 Units	SFD	Approve



## **OPEN FORUM**

- (1) Robert Apgar voiced personal viewpoints.
- (2) Mark Trout voiced personal religious opinions.

## **ADJOURNMENT**

The Council of the City of San Jose was adjourned at 4:16 p.m.

Minutes Recorded, Prepared and Respectfully Submitted By,

Lee Price, MMC  
City Clerk  
uh/1-30-07MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at [www.sanjoseca.gov/clerk/MeetingArchive.asp](http://www.sanjoseca.gov/clerk/MeetingArchive.asp)

## **JOINT REDEVELOPMENT AGENCY ITEM**

The Joint Redevelopment Agency Board convened at 4:16 p.m. to consider Item 8.1 in a joint session.

### **8.1 Approval of a Lease Agreement with the Friends of Guadalupe River Park and Gardens for the building at 438 Coleman Avenue and related actions.**

- (a) Redevelopment Agency Board approval of a Lease Agreement with the Friends of Guadalupe River Park and Gardens for the building located at 438 Coleman Avenue.**
- (b) Adoption of resolutions by the City Council and Redevelopment Agency Board approving the transfer of ownership of 438 Coleman Avenue from the Agency to the City of San Jose; and,**
- (c) Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the city Manager and Executive Director to execute all documents necessary to effect the lease and land transfer.**

**CEQA: Not a project. [JULIAN STOCKTON]**

Documents Filed: Memorandum from City Manager Les White and Redevelopment Agency Director Harry S. Mavrogenes, dated January 18, 2007, recommending approval of a lease agreement with the Friends of Guadalupe River Park and Gardens and adoption of resolutions.

Public Comment: William Garbett spoke in opposition to the Staff recommendation.

Action: Upon motion by Council Member Williams, seconded by Council Member Cortese and carried unanimously, the Lease Agreement with the Friends of Guadalupe River Park and Gardens was approved, [Resolution No. 73631](#), entitled: “A Resolution of the Council of the City of San José Approving the Transfer of Ownership of 438 Coleman Avenue From the Redevelopment Agency of the City of San José to the City of San José; and Authorizing the City Manager to Execute all Documents Necessary to Effect the Land Transfer and the Lease of the Property to the Friends of the Guadalupe River Park and Gardens”, and Redevelopment Agency Board Resolution No. 5732, were adopted. (9-0.)

## **ADJOURNMENT**

The Joint Redevelopment Agency Board was adjourned at 4:28 p.m.